

## Message Text

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ACTION EUR-12

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L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 CU-02

BIB-01 ACDA-05 SAJ-01 NEA-10 OMB-01 TRSE-00 OES-03

EB-07 COME-00 STR-04 CEQ-01 EPA-01 DHA-02 ORM-01 /103 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 4389

INFO AMEMBASSY MOSCOW

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FOR EUR/RPM

EO: 11652: GDS

TAGS: CSCE PFOR XG

SUBJ: CSCE: ORGANIZATION OF FINAL DOCUMENTS

REF: A. GENEVA 3272; B. GENEVA 5020; C. GENEVA 5091

D. STATE 146705;; 3. STATE 155809

1. AFTER AGREEING ON TEXTS OF DISCLAIMER AND DRAFT LETTER TO UN  
SECRETARY GENERAL, INFORMAL WORKING GROUP ON FINAL DOCUMENTS WILL  
THIS WEEK TURN ITS ATTENTION TO TEXT OF FINAL ACT. THIS MESSAGE  
TRANSMITS AN INFORMAL DELEGATION TRANSLATION OF A REVISED VERSION  
OF THE ORIGINAL DUTCH DRAFT SUBMITTED BY THE ROMANIAN DELEGATION  
FOR CONSIDERATION.

2. THE DEPARTMENT WILL NOTE THAT THE ROMANIANS HAVE AGAIN IN-  
SERTED POLITICAL LANGUAGE AS THE FIRST PARAGRAPH OF THE NEW DRAFT.  
THERE SEEMS TO BE GENERAL ACCEPTANCE OF SOME SORT DRAFT OFPARA-  
GRAPH ALONG THESE LINES BY WESTERN AND NEUTRAL MMBERS OF THE  
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WORKING GROUP, PENDING AGREEMENT ON FORMULATION. MINOR CHANGES

IN WORDING OF THE DISCLAIMER (PARA. 10) WERE INTRODUCED AT THE SUGGESTION OF THE UK REP FOR STYLISTIC REASONS. WE DO NOT BELIEVE THAT THEY AFFECT THE SUBSTANCE OF THE PARAGRAPH.

3. THE ROMANIAN DRAFT MAINTAINS THE OPENING PARAGRAPHS FROM THE DUTCH DRAFT WHICH SOME DELEGATIONS HAD SUGGESTED MIGHT BE REMOVED TO FORM THE BASIS OF A COMMUNIQUE ISSUED AT HELSINKI. THE ROMANIANS TELL US THAT THEY AND THE SOVIETS WISH TO HAVE THIS LANGUAGE REMAIN IN THE FINAL ACT. IF THERE IS TO BE ANY COMMUNIQUE AT ALL, THE ROMANIANS BELIEVE IT CAN BE LIMITED TO A SHORT STATEMENT FOR THE PRESS GIVING THE DATES AND TIMES OF MEETINGS, NAMES OF SPEAKERS, ETC. AS INSTRUCTED IN REF (E) WE ARE CONTINUING TO RESERVE OUR POSITION ON THE QUESTION OF A COMMUNIQUE PENDING DEVELOPMENT OF A CONSENSUS AMONG OTHER DELEGATIONS. WE ASSUME, HOWEVER, THAT THE DEPARTMENT WOULD HAVE NO OBJECTION TO ULTIMATE ACCEPTANCE OF SUCH A SHORT FACTUAL STATEMENT FOR THE PRESS.

4. THE ROMANIAN DRAFT ALSO CONTAINS LISTS OF LANGUAGES, ETC. WHICH THE DEPARTMENT WISHES TO HAVE OMITTED FROM THE FINAL ACT (PARA 2, REF D). WHILE WE WILL REQUEST ELIMINATION OF THIS LANGUAGE, WE HAVE BEEN TOLD ALREADY BY THE FRENCH AND OTHERS THAT THEY ATTACH CONSIDERABLE IMPORTANCE TO THE LIST OF LANGUAGES AND TO THE FORMAL CLOSING. THE ROMANIANS AND WEST GERMANS ARE ESPECIALLY INTERESTED IN THE FORMULATION ON EQUAL VALIDITY OF LANGUAGES. THE ROMANIANS ARGUE PRIVATELY THAT IT WILL ENABLE THEM TO REFER TO LANGUAGES OTHER THAN RUSSIAN WHEN ARGUING THE INTERPRETATION OF SPECIFIC POINTS WITH THEIR WARSAW PACT ALLIES. GIVEN THE STRONG STATEMENTS ON THE NON-BINDING NATURE OF THE DOCUMENTS CONTAINED IN THE DISCLAIMER AND THE LETTER TO THE SECRETARY GENERAL, WE WONDER IF STRICT AVOIDANCE OF SUCH TRADITIONAL TREATY LANGUAGE REMAINS ESSENTIAL TO PROTECTION OF OUR LEGAL POSITION. REQUEST THAT DEPARTMENT AUTHORIZE US TO TAKE A FLEXIBLE POSITION ON THESE QUESTIONS.

5. A FINAL POINT IS THE TEXT OF PARA. 6 OF THE ROMANIAN DRAFT WHICH INTRODUCES THE OPERATIVE TEXTS OF CONFERENCE DECISIONS. AS NOTED IN SEPTEL, THE FRG WISHES TO PLACE THE SO-CALLED "EUROPE CLAUSE" IN THIS PARAGRAPH. THE DEPARTMENT WILL NOTE THAT THE PARAGRAPH ALSO PROVIDES THAT THE PARTICIPANTS HAVE "ADOPTED" THE TEXTS WHICH FOLLOW. WHILE THE WORD "ADOPTED" MIGHT BE SEEN AS CONFIDENTIAL

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MOVING TOO FAR IN THE DIRECTION OF BINDING LANGUAGE, ITS APPEARANCE AT THIS POINT IN THE DOCUMENT WOULD NOT SEEM UNDULY TO LEND TREATY CHARACTER TO THE FINAL ACT, ESPECIALLY IN LIGHT OF THE DISCLAIMER LANGUAGE AT THE END. IN ADDITION, IT SHOULD BE NOTED THAT PARAGRAPH 12 OF THE HELSINKI BLUE BOOK SPECIFICALLY PROVIDES THAT DURING STAGE III, PARTICIPANTS WILL "ADOPT" THE FINAL DOCUMENTS.

6. THERE FOLLOWS THE TEXT OF THE REVISED DRAFT FINAL ACT:

BEGIN TEXT:

FINAL ACT

(1) MOVED BY THEIR POLITICAL WILL TO IMPROVE AND INTENSIFY RELATIONS WITH EACH OTHER AS WELL AS WITH ALL THE STATES OF THE WORLD, AND TO CONTRIBUTE TO THE BUILDING OF SECURITY AND THE DEVELOPMENT OF COOPERATION IN EUROPE, AND CONVINCED OF THE NEED TO REDOUBLE EFFORTS WITH A VIEW TO CONSOLIDATING THE COURSE OF DÉTENTE, THE FOLLOWING STATES HAVE PARTICIPATED IN THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE:

(LIST)

(2) THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE, WHICH OPENED IN HELSINKI ON JULY 3, 1973 AND CONTINUED IN GENEVA FROM SEPTEMBER 18, 1973 TO ----, 1975, WAS CONCLUDED IN HELSINKI ON ----, 1975 BY THE HIGH REPRESENTATIVES OF THE PARTICIPATING STATES.

(3) DURING THE OPENING AND CLOSING STAGES OF THE CONFERENCE THE PARTICIPANTS WERE ADDRESSED BY THE SECRETARY GENERAL OF THE UNITED NATIONS AS THEIR GUEST OF HONOUR.

(4) DURING THE MEETINGS OF THE SECOND PHASE OF THE CONFERENCE, CONTRIBUTIONS WERE SUBMITTED AND STATEMENTS MADE ON VARIOUS AGENDA ITEMS BY THE REPRESENTATIVES OF THE FOLLOWING NON-PARTICIPATING MEDITERRANEAN STATES:

THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA, THE ARAB REPUBLIC OF EGYPT, ISRAEL, THE KINGDOM OF MOROCCO, THE SYRIAN ARAB REPUBLIC, AND TUNISIA.

(5) DURING THE SECOND STAGE THE DIRECTOR GENERAL OF UNESCO AND THE EXECUTIVE SECRETARY OF THE ECONOMIC COMMISSION FOR EUROPE ALSO

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ADDRESSED THE PARTICIPANTS.

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(6) AT THE THIRD STAGE OF THE CONFERENCE THE HIGH REPRESENTATIVES OF THE PARTICIPATING STATES SOLEMNLY ADOPTED THE FOLLOWING:

-- QUESTIONS RELATING TO SECURITY IN EUROPE

PREAMBLE

1.

(A) THE PRINCIPLES GOVERNING RELATIONS BETWEEN THE PARTICIPATING STATES

(B) PROVISIONS CONCERNING PARAGRAPH 21 OF THE FINAL RECOMMENDATIONS:

-- SECOND PHRASE (NON-USE OF FORCE)

-- THIRD PHRASE (PEACEFUL SETTLEMENT OF DISPUTES)

2.

PROVISIONS CONCERNING PARAGRAPHS 22-24 OF THE FINAL RECOMMENDATIONS,

-- CO-OPERATION IN THE FIELDS OF ECONOMICS, OF SCIENCE AND  
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TECHNOLOGY AND OF THE ENVIRONMENT

PREAMBLE

1. COMMERCIAL EXCHANGES
2. INDUSTRIAL CO-OPERATION AND PROJECTS OF COMMON INTEREST
3. SCIENCE AND TECHNOLOGY
4. ENVIRONMENT
5. CO-OPERATION IN OTHER AREAS

---DECLARATION ON THE MEDITERRANEAN

---CO-OPERATION IN HUMANITARIAN AND OTHER FIELDS

-PREAMBLE

1. HUMAN CONTACTS
2. INFORMATION
3. CO-OPERATION AND EXCHANGES IN THE FIELD OF CULTURE
4. CO-OPERATION AND EXCHANGES IN THE FIELD OF EDUCATION

--- FOLLOW-UP TO THE CONFERENCE

(7) THE ORIGINAL OF THE FINAL ACT, IN THE ENGLISH, FRENCH, GERMAN, ITALIAN, RUSSIAN AND SPANISH LANGUAGES, THE SIX VERSIONS BEING EQUALLY AUTHENTIC, WILL BE TRANSMITTED TO THE GOVERNMENT OF FINLAND, WHICH WILL RETAIN IT IN ITS ARCHIVES. EACH OF THE GOVERNMENTS OF THE PARTICIPATING STATES WILL RECEIVE FROM THE EXECUTIVE SECRETARY OF THE THIRD PHASE OF THE CONFERENCE A TRUE COPY OF THIS FINAL ACT.

(8) THIS FINAL ACT WILL BE PUBLISHED IN EACH PARTICIPATING STATE, WHICH WILL ENSURE ITS DISSEMINATION AND MAKE IT AS WIDELY KNOWN AS POSSIBLE.

(9) THE GOVERNMENT OF THE REPUBLIC OF FINLAND IS REQUESTED TO TRANSMIT TO THE SECRETARY GENERAL OF THE UNITED NATIONS THE TEXT OF THIS FINAL ACT, WHICH BY ITS NATURE IS NOT SUBJECT TO REGISTRATION EITHER IN WHOLE OR IN PART UNDER ARTICLE 102 OF THE UNITED NATIONS CHARTER, WITH A VIEW TO ITS DISTRIBUTION TO ALL MEMBERS OF THE ORGANIZATION.

(10) WHEREFORE: THE HIGH REPRESENTATIVES OF THE PARTICIPATING STATES, MINDFUL OF THE HIGH POLITICAL SIGNIFICANCE OF THE RESULTS

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OF THE CONFERENCE, DECLARING THE DETERMINATION OF THEIR GOVERNMENTS TO ACT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN THE ABOVE TEXTS, HAVE SUBSCRIBED THEIR SIGNATURES TO THIS FINAL ACT

(11) DONE AT HELSINKI, ----- 1975

(12) SIGNATURES  
END TEXT.

7. GIVEN PROBABILITY THAT DISCUSSION OF DRAFT FINAL ACT WILL PROCEED REPIDLY THIS WEEK, REQUEST DEPARTMENT'S GENERAL COMMENTS ON DRAFT AND VIEWS ON POINTS RAISED ABOVE AS SOON AS POSSIBLE.DALE

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## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DOCUMENTS, COLLECTIVE SECURITY, TEXT, INTERGOVERNMENTAL COOPERATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 08 JUL 1975  
**Decapton Date:** 01 JAN 1960  
**Decapton Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** WorrelSW  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975GENEVA05275  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750235-0204  
**From:** GENEVA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750778/aaaacrrw.tel  
**Line Count:** 274  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 5  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 GENEVA 3272, 75 GENEVA 5020, 75 GENEVA 5091  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** WorrelSW  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 12 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <12 MAY 2003 by BoyleJA>; APPROVED <30 SEP 2003 by WorrelSW>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CSCE: ORGANIZATION OF FINAL DOCUMENTS  
**TAGS:** PFOR, XG, CSCE  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006